

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,272

REGENTS OF THE
UNIVERSITY OF CALIFORNIA¹
(08/478,740),
Junior Party,

v.

CHILDREN'S MEDICAL CENTER
CORPORATION²
(5,641,628),
Senior Party.

Entered: 3 October 2005

Judgment - Bd. R. 127(b)

Before SCHAFER, TORCZON, and LANE, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

As detailed in Paper 36, the junior party has not filed a preliminary statement and does not intend to do so. Failure of a junior party to contest priority is construed to be an abandonment of the contest. Bd.R. 127(b)(4).

JUDGMENT

DECIDED that judgment on priority be entered against the junior party, the Regents of the University of California, for the subject matter of count 1, the sole count;

¹ Licensee: Vysis, Inc., a wholly owned subsidiary of Abbott Laboratories, Inc.

² Licensee: Genzyme Corp. Sublicensee: Living Microsystems, Inc.

FURTHER DECIDED that this decision permanently disposes of claims 62-65 and 125-148 of the junior party's involved 08/478,740 application, Bd.R. 127(a)(2); and

FURTHER DECIDED that a copy of this decision be entered in the administrative records of the senior party's 5,641,628 patent and of the junior party's 08/478,740 application.

cc (via electronic mail):

For the Regents of the University of California: **R. Danny Huntington** and **Malcolm K. McGowan**, BINGHAM MCCUTCHEN LLP of Washington, D.C.

For Children's Medical Center Corp: **John W. Freeman**, FISH & RICHARDSON of Boston, Massachusetts; and **Mary Ann Dillahunty**, FISH & RICHARDSON of Redwood City, California.

Notice: Agreements and understandings regarding the termination of an interference are subject to filing requirements under 35 U.S.C. 135(c).

Notice: In the event of judicial review, note the requirements of Bd. R. 8(b).

Townes, Yolunda

From: Townes, Yolunda on behalf of Interference Trial Section

Sent: Monday, October 03, 2005 4:46 PM

To: 'Freeman, John (FISH & RICHARDSON)'; 'Huntington, Danny (BINGHAM McCUTCHEN)';
'McGowan, Malcolm (BINGHAM McCUTCHEN)'; 'Dillahunty, Mary Ann (FISH & RICHARDSON)'

Subject: Interference #105272_037 (RT) - Judgment-Bd.R. 127(b)

10/4/05